

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WHOLE WOMAN’S HEALTH, ET AL.,
Plaintiffs,

v.

JOHN HELLERSTEDT, M.D.,
Defendant.

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CIVIL ACTION NO. 1:16-cv-01300-SS

JOINT STATUS REPORT

The Parties file this Joint Status Report pursuant to this Court’s Order granting Defendant’s Motion to Stay, signed March 15, 2017. Accordingly, the Parties report to the Court as follows:

This case is currently on appeal at the United States Court of Appeals for the Fifth Circuit. On June 8, 2017, Plaintiffs moved to dismiss the appeal in light of the enactment of Senate Bill 8 (“SB 8”). The Court of Appeals denied that motion on June 20, 2017.

The appeal has been fully briefed on the merits since July 19, 2017. Both parties have requested oral argument. Oral argument has not yet been calendared. The Fifth Circuit has already set its October schedule, and has rescheduled to November an August panel postponed due to Hurricane Harvey.

Plaintiffs’ opposed motion before this Court to lift the stay in light of SB 8, also filed June 8, 2017, remains pending.

Regulations implementing the provisions of SB 8 governing the “dispos[ition] of embryonic and fetal tissue remains” are due to be proposed for public notice and comment no later than November 1, 2017, *see* Tex. Gov’t Code §§ 2001.023-.024 (Tex. Admin. P. Act). They are due to be finalized no later than December 1, 2017. SB 8, § 18 (ECF No. 70 at 31). Defendant avers these timelines may be impacted by delays related to addressing the immediate concerns on

a state-wide basis caused by Hurricane Harvey. The effective date of the provisions of SB 8, creating Chapter 697 of the Health and Safety Code applicable to the disposition of embryonic and fetal tissue remains, is February 1, 2018.

Respectfully submitted,

/s/ Patrick J. O'Connell

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CERTIFICATE OF CONFERENCE

I certify that on September 6th and 11th, I conferred with Counsel for Defendant, who concur with this report.

/s/ David Brown
DAVID BROWN
Counsel for Plaintiff

CERTIFICATE OF FILING AND SERVICE

I certify that on this 11th day of September, 2017, I electronically filed a copy of the above document with the Clerk of the Court using the CM/ECF system, which will send notification to counsel of record.

/s/ David Brown
DAVID BROWN
Counsel for Plaintiff